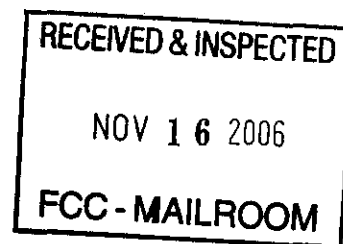


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GREATER NEWARK CHARTER SCHOOL
72 CENTRAL AVENUE
NEWARK NJ 07102
PHONE 973-242-3543

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FACSIMILE TRANSMITTAL SHEET

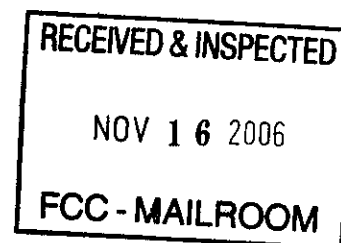
TO: Request for Review	FROM: Peter Turnhamian
COMPANY: FCC	DATE: 11/16/06
FAX NUMBER: 202-418-0187	TOTAL NO. OF PAGES INCLUDING COVER: 5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: 973-242-3543 x201
REF:	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:



Great Tomorrows Begin Here Today



Request for Review

Appeal of Funding Year 2006: CC Docket No. 02-6

Fax #: 202-418-0187

November 15, 2006

FCC:

I respectfully appeal the decision to deny our Form 471 application for \$131,221.75 made by the Schools & Libraries decision. This same organization also denied our appeal.

As a result, I would like to appeal this decision to the FCC.

Contact information of person filing appeal:

Peter Turnamian
Greater Newark Charter School
72 Central Ave
Newark, NJ 07102
973-242-3543x201
973-242-5792 (fax)
pturnamian@greaternewarkcharterschool.org

Applicant name and service provider name:

Applicant Name: Newark Charter School
Service Provider Name: Future Generation, Inc.

Applicant BEN and Service Provider SPIN:

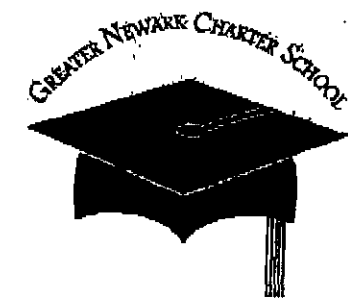
BEN: 221033
SPIN:143007891

Form 471 application Number 509633 as assigned by USAC:

Exact reason for appeal:

The reason given for denying these funds was: Contract Violation. FCC rules require that a contract for the products / services be signed by both parties prior to the filling of the Form 471.

72 CENTRAL AVENUE • NEWARK, NJ 07102 (973) 242-3543 PHONE: (973) 242-5792 FAX



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According to Schools and Library Division instructions and certifications, they request a signed and dated contract. Our contracts were computer-dated, and hand signed by both parties on the date indicated on the contract. Therefore, the date generated by the computer is the valid contract date. SLD never requested a hand-dated contract, and have never been given one, either now or in past funding years, nor was there any ruling requiring one.

The SLD requested valid, signed, and dated contracts. We have provided these in accordance with all of their rules, requirements, and timelines; therefore, their denial of our funding is based upon inaccurate information. Subsequently, I respectfully request the FCC to reverse their decision and grant our appeal, as there are no grounds for denial.

These funds will have a dramatic impact on our school's ability to provide a high quality education to our students.

Authorized Signature:

A handwritten signature in black ink, appearing to read "Peter Turnamian", is written over a horizontal line.

Peter Turnamian, School Director



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

October 25, 2006

Peter Turnamian
Greater Newark Charter School
72 Central Avenue
Newark, NJ 07102

Re: Applicant Name: NEWARK CHARTER SCHOOL
Billed Entity Number: 221033
Form 471 Application Number: 509633
Funding Request Number(s): 1434772, 1434773, 1434774, 1434775, 1434776,
1434777, 1434778, 1434779, 1434780, 1464876
Your Correspondence Dated: September 13, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1434772, 1434773, 1434774, 1434775, 1434776,
1434777, 1434778, 1434779, 1434780, 1464876
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and relevant documents, USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed contract in place with your service provider. During the Selective Review, the applicant was asked to provide copies of signed and dated contracts. In the response received by USAC on May 19, 2006, the contracts were signed by both parties but not dated. FCC Rules state that a contract must be signed and dated on or after the Allowable Contract Date as calculated by the Form 470 posting date, but prior to the submission of the Form 471. In this case, you have not demonstrated that you have complied with FCC Rules; therefore, the appeal is denied.

- USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed and dated contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC Rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. sec. 54.504(c). The FCC Rules further require that both beneficiaries and service providers must retain executed contracts, signed and dated by both parties. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-26, FCC 04-190 para. 48 (rel. Aug. 13, 2004). The FCC has consistently upheld USAC's denial of funding when there is no contract in place for the funding request. See Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-256981, CC Docket No. 02-6, Order, 18 FCC Rcd. 22994, DA 03-3526 (rel. Nov. 5, 2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) at page 23.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC.

Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company